

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL MALIK ALLAH,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-1167
	)	
LOUIS FOLINO, et al.,	)	
Defendants.	)	

O R D E R

AND NOW, this 28th day of June, 2006, after the plaintiff, Michael Malik Allah, filed a civil rights complaint in the above-captioned case, and after a partial motion to dismiss the complaint was submitted by defendants Folino, B. Martin, J. Martin, Lockett, Gaynon, Mitchell, Norman, Williams, D'Eletto, Ansell, Henry, Tanner, Stump, Hayward, Davis, Coy, Saunders, Armstrong, Anderson, Hall, Leggett, Kirby, Schamp, Gifford, Mears, Moneck, Sebek, Blaker, Manchas, King, Noak, Higgins, Bowlin, Day, Workman, Baw, Geehring, Conner, Bruno, Cindy LNU, Vihidal, Esmond, and the Bureau of Professional and Occupational Affairs (hereinafter, the "Department of Corrections' defendants"), and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted a time period after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the partial motion to dismiss filed by the Department of Corrections' defendants (Docket No. 139) is granted as to all claims asserted against defendants Pennsylvania Bureau of Professional and Occupational Affairs, Folino, D'Eletto, Ansell, Davis, Mears, Day, Baw, Bruno, Esmond, Lockett, Williams, Manchas, Workmen, Vihidal, Anderson and Kirby; is granted as to all claims regarding the failure of the prison authorities to recognize the plaintiff's use of his non-committed name; is granted as to the plaintiff's First Amendment claims of denial of access to the courts; is granted as to the plaintiff's common law tort claims which are barred by the Eleventh Amendment; and is denied as to the plaintiff's Eighth Amendment claims arising from injuries he allegedly sustained as a result of the defendants' refusal to permit him to wear sunglasses in the institution and to the extent he was subjected to institutional discipline in retaliation for his litigious conduct.

/s/ Joy Flowers Conti  
United States District Judge

cc: Michael Malik Allah  
BF-8299  
630 Creekview Boulevard  
Covington, GA 30016

All Counsel of Record

Honorable Robert C. Mitchell  
United States Magistrate Judge